



STATE OF MAINE
 BOARD OF NURSING
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MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: SUSAN A. ARBUCKLE-KEITH, RN)
 of West Bath, Maine)
 License No. RN35969)

CONSENT AGREEMENT
 FOR
 PROBATION

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Susan A. Arbuckle-Keith’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Susan A. Arbuckle-Keith (“Licensee” or “Ms. Arbuckle-Keith”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on March 20, 2012 and reached this Agreement on the basis of a Board Complaint dated December 21, 2010, including a Provider Report from Lincoln County Healthcare (“LCH”) dated December 2, 2010 and supplemental information dated December 20, 2010. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A)(B) and § 8003(5)(B).

FACTS

1. Susan A. Arbuckle-Keith has been licensed by the Board as an RN since March 11, 1993. She was licensed by the Board as a licensed practical nurse from November 20, 1979 to May 30, 1993.
2. Susan A. Arbuckle-Keith was terminated from her position as an RN at LCH on November 23, 2010 as a result of documentation errors and issues of substandard performance. The documentation errors readily admitted to by Ms. Arbuckle-Keith included: 1) inconsistent documentation in a resident’s record regarding the actual time of medication administration. LCH has a policy of charting medication at the time of administration; Ms. Arbuckle-Keith charted after-the-fact by utilizing her personal notes, which led to errors in her documentation of the resident’s care; and 2) violation of LCH’s Charting, Errors and Omissions Policy by using white-out, which is an unacceptable method of altering previous documentation entries in a resident record. Despite promising to discontinue her practice of using white-out, Ms. Arbuckle-Keith self-disclosed doing so on one occasion, albeit on a document that she believed would not be incorporated into the patient’s chart.

Ms. Arbuckle-Keith also admitted that she violated LCH’s policy against pre-pouring multiple resident medications, a policy which is adopted to prevent medication errors.

3. The Board considers the above-stated policies and procedures adopted by LCH to be consistent with accepted standards of nursing practice and that Ms. Arbuckle-Keith’s violation of LCH’s policies and procedures evidence of substandard nursing practice.
4. There was no documented resident harm.
5. Susan A. Arbuckle-Keith wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT

6. Susan A. Arbuckle-Keith acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. §§ 2105-A (2) (E) (2), (2) (F), (2) (H) and Chapter 4.1.A.5.b., 4.1.A.6., 4.1.A.8., and Chapter 4.3(F) of the Rules and Regulations of the Maine State Board of Nursing (“Board Rules”). Ms. Arbuckle-Keith acknowledges that the conduct in the above-stated facts constitutes grounds for discipline. Ms. Arbuckle-Keith’s RN license is hereby placed on **PROBATION** for a term of three (3) years of the practice of “professional nursing” as that term is defined in 32 M.R.S. § 2102. Specifically, the violations are:



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- a. 32 M.R.S. § 2105-A (2) (E) (2). Ms. Arbuckle-Keith engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which she is licensed. See also: Board Rule Chapter 4, Section 1.A.5.b.
- b. 32 M.R.S. § 2105-A (2) (F). Ms. Arbuckle-Keith engaged in unprofessional conduct that violates standards of professional behavior in medication administration that have been established in the practice for which she is licensed. See also: Board Rule Chapter 4, Section 1.A.6.
- c. 32 M.R.S. § 2105-A (2) (H). Ms. Arbuckle-Keith violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8.
- d. Board Rule: Chapter 4, Section 3 defines “Unprofessional Conduct” as “nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public,” which includes: “Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.”

Chapter 4, Section 3(F). Ms. Arbuckle-Keith failed to follow policies and procedures designed to safeguard a resident at LCH in that she failed to follow appropriate standards of nursing practice for medical record documentation and medication administration and documentation.

7. Susan A. Arbuckle-Keith’s license as an RN is placed on probationary status with conditions. The period of probation will be for a period of three (3) years, to commence and be effective only while she is employed in the practice of “professional nursing” as that term is defined in 32 M.R.S. § 2102. Her probationary license will be subject to the following conditions:
 - a. Susan A. Arbuckle-Keith shall fully comply with the conditions of the probation in this Agreement. Ms. Arbuckle-Keith shall inform the Board in writing within 15 days of any address change.
 - b. Susan A. Arbuckle-Keith understands that her employment during the term of this Agreement is restricted to structured settings with on-site supervision by an RN. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse, or within the correctional system.
 - c. Susan A. Arbuckle-Keith will notify any and all of her nursing employers of the terms of this Agreement and shall provide them with a copy of it.
 - d. Susan A. Arbuckle-Keith will notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
 - e. Susan A. Arbuckle-Keith will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice and in particular, documentation. If during the period of probation, Ms. Arbuckle-Keith’s employment as a nurse or her nursing education program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation to ensure that she remains in compliance with her probationary requirements.
8. Susan A. Arbuckle-Keith agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Arbuckle-Keith has complied with the provisions of this Agreement.
9. The State of Maine is a “Party state” that has adopted the Nurse Licensure Compact (“Compact”), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Arbuckle-Keith’s “Home state” of

licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Arbuckle-Keith understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Arbuckle-Keith's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which she wishes to work.

10. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
11. Susan A. Arbuckle-Keith understands that she does not have to execute this Agreement and that she has the right to consult with an attorney before entering into the Agreement.
12. Susan A. Arbuckle-Keith affirms that she executes this Agreement of her own free will.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, SUSAN A. ARBUCKLE-KEITH, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/22/12

Susan Arbuckle-Keith RN
SUSAN A. ARBUCKLE-KEITH, RN

DATED: 10/11/12

Christopher C. Taintor
CHRISTOPHER C. TAINTOR, ESQ.
Attorney for Susan A. Arbuckle-Keith

FOR THE MAINE STATE BOARD OF NURSING

DATED: 10/23/12

Myra Broadway
MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 10/24/12

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General